

## REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

Claims 1-7 have been rejected as being rejected under the doctrine of double patenting. In response, a terminal disclaimer is filed herewith.

Claims 1-7 have been rejected as being anticipated by Rehse and claims 17-22 have been rejected as being anticipated by Swinger. The Applicants respectfully traverse these rejections. Claim 1 as amended herein covers a method of treating loss of near vision including ablating a peripheral zone in the cornea to a high refractive power to provide corrected near vision for the patient.

Rehse discloses treating the eye of a patient by inserting either a contact lens or an intraocular lens. Therefore this reference has nothing to do with a method of correcting near vision by ablating the cornea. Moreover, there are several other differences which clearly distinguish the claims over this prior art. First, the Examiner cites Fig. 7 and the portion of the specification describing the same (col. 6, lines 1-27.). However this portion describes defining several concentric zones which act in concert with the existing cornea. In the present invention, no additional lens is added but, instead, the cornea itself is reshaped.

The Examiner has referenced to the table of col. 4 in the Rehse and rejected the claims in view of this table. However, the Examiner's attention is directed to col. 4, lines 1-4 which clearly state that the third optical zone 3 (extending from about 2.5 to 8mm) provides intermediate and distance correction, and the fourth zone 4 extending from 8mm to about 14.5 mm provides "blending of the zones to the continued circular structure of the lens outwardly to its periphery." Hence, neither zone 3 nor 4 are provided for near vision correction.

Swinger discloses a method of providing eye correction in which the cornea is

17 (Currently Amended). An apparatus for treating a patient's eye for near vision deficiency comprising:

a laser beam generator;

an optical network [adapted to deliver] selectively delivering a laser beam from said laser beam generator to the eye of the patient; and

a controller coupled to said optical network and said laser beam generator [and adapted to provide a peripheral ablation] to ablate [on] a peripheral portion of the cornea to increase the dioptic power of said peripheral portion [thereby] for correcting the eye for the near vision deficiency.

18 (Currently Amended). The apparatus of claim 17 wherein said controller [is adapted to deliver] shapes said peripheral zone of the cornea to a high refractive power within an area between 5.5 and 10 mm in diameter.

19 (Currently Amended). The apparatus of claim 17 wherein said controller [is adapted to leave] leaves a central portion of the cornea untreated during said peripheral ablation.

20 (Currently Amended). The apparatus of claim 17 wherein said controller [is further adapted to provide a central ablation to] ablates said central zone after said peripheral ablation.

21 (Currently Amended). The apparatus of claim 20 wherein said controller [is further adapted to provide said central ablation to restore said central zone to its condition prior to said peripheral ablation.

22 (Currently Amended). The apparatus of claim 20 wherein said controller [is further adapted to provide central ablation to] ablates said central zone to provide treatment to correct a deficiency other than near vision deficiency.

ablated to remove a disc-shaped section of the cornea and the resulting cavity is then filled with either donated corneal material or an artificial material. There are no specific details given by Swinger on how to provide near vision correction. Without these details, a person skilled in the art would assume that standard approaches would apply.


Claim 17 discloses an apparatus in which the controller ablates a peripheral portion of the cornea to increase its optical power to provide near vision correction. As discussed above, the prior art does not teach this feature of the invention and neither does Swinger. Claim 18 further provides that the cornea is ablated to a high refractive power and that the controller changes the optical characteristics of a portion of the cornea extending from about 5.5 to 10 mm. There is nothing in the prior art, including Swinger, that teaches this feature.

It is respectfully submitted that the subject application is clearly patentable and therefore it should be allowed.

Respectfully submitted  
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